

58888

DEPT. OF TRANSPORTATION
DOCKETS

EXEMPTION EVALUATION FORM
(Revised as of May 20, 1998)

99 JUL -7 AM 9:30

RSPA -99-5935-3

PART 1 APPLICANT

- 1A. Exemption Number : 12284 (Emergency)
Application Number: 34709
Project Officer : Philip T. Olson
- 1B. Date of Application: 5/18/99
- 1C. Name of Applicant: William Gray Ricker IV
Title: Director of Operations
Company Name: L & D Safety Marking Corp.
Address: Barre, VT 05641
Phone Number: (802)223-6154 .
- 1D. U.S. Agent for foreign applicant or Consultant Name: N/A
- 1E. Summary of What Applicant is Requesting:
To authorize transportation in commerce of certain non-DOT specification cargo tanks used for roadway striping.
- 1F. Regulation(s) exempted: 49 CFR Part 173.242. This section is amended to authorize the use of non-DOT specification cargo tanks.
- 1G. Modes of Transportation:
1 Motor Vehicle (X)

PART 2 REVIEW FOR DOCKETING

- (X) Application contains sufficient information to support docketing.
() Application is incomplete or unnecessary and should be returned for the following reason(s).

PART 3 HAZARDOUS MATERIALS

3A. Hazardous Materials to be shipped:

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Adhesives, containing a flammable liquid	3	UN1133	II
Gasoline	3	UN1203	II
Paint related material	3	UN1263	II

3B. Is the hazardous material capable of being detonated? NO (If
No - go to 3C)

If so, under what conditions?

3c. Other risks presented by the material that warrant special
assessment. (e.g. flammable or toxic gases produced upon
contact with water, material can initiate or enhance a fire,
article or device contains an ignition source) **NONE**

PART 4 PACKAGING

4A. Is the applicant seeking an exemption from the packaging
requirements? **YES**

(If No - Go on to Part 5)

- 4B. ☐ Non authorized specification package.
☐ Authorized Specification package with quantity or
size variation.
☐ Material change.
☐ Over authorized pressure.
☒ Non specification package. Most comparable spec.
package. **MC 331 cargo tank motor vehicle**

4c. What are the possible failure modes of the packaging?
Same as for MC 331

Is the material of construction appropriate? **YES**

Will the packaging integrity be sufficient? **YES**

In the case of a pressurized packaging, will the package adequately contain any pressure that might develop? **YES**

Have evaluation of tests results shown the package to be equivalent? **YES Tanks are ASME certified.**

4D. Are special handling measures needed? NO

PART 5 SPECIAL TRANSPORT AND INFORMATIONAL CONTROLS

5A. Is the applicant seeking an exemption from Special Transport and Informational Controls? (If **No** - go to Part 6) NO

PART 6 SHIPPING EXPERIENCE

6A. What has the generally shipping experience been with this type of material, package, and operation? **Satisfactory**

6B. Can any rough estimate be made on the extent of the use of this exemption? **200 days per year**
How many shipments will be made and how much material will be transported?

Maximum quantity per trip is 650 gallons

6C. Is this a new package with no shipping experience? NO

PART 7 SAFETY AND RISK ASSESSMENT

7A. 49 CFR § 107.105(d) prescribes requirements for justification of an exemption through comparisons with established levels of safety and risk assessment. Has the applicant demonstrated equivalent levels of safety or provided an appropriate risk analysis? **YES Application is equivalent to DOT-E 11714 and DOT-E 9178.**

7B. What are the hazards (worst case) posed by the proposed exemptions? What could go wrong? Are the risks significant? What is the degree of uncertainty as to likelihood or consequences? **Catastrophic accident could release 650 gallons of Class 3 flammable liquids.**

7c. What are the benefits to the public and the applicant of granting the exemption? What trade-offs have been made? **Paint striping operations are necessary for public safety. Equipment is well designed and constructed. Safety control measures include annual inspection of equipment.**

7D. Does this exemption (and other similar exemptions) point to the need for possible regulatory changes? If so what other information is needed to support a regulatory change.
YES. Paint striping equipment should be authorized in the HMR.

PART 8 DOCKET COMMENTS/INFORMATION

- 8A. Date checked: N / A
- 8B. Comments: (If Yes, summarize)
- 8C. Has **CONFIDENTIAL** or **PROPRIETARY** information (49 CFR 107.5) been considered in this application?

PART 9 OVERALL EVALUATION & RECOMMENDATION

Provide standard of equivalency and rationale supporting equivalent level of safety or comment on additional requirements needed to establish equivalency. Include main issues, evidence (i.e. tests), and technical conclusions. See note in Part VI concerning confidential information.

Standards of equivalence are DOT-E 9178 and DOT-E 11714, which use very similar equipment. Party status was applied for but some equipment is not identical and DOT-E 11714 would have to be modified to accommodate this applicants' full needs.

APPROVAL OF THIS EMERGENCY APPLICATION FOR EXEMPTION IS RECOMMENDED.

Office of Hazardous Materials Technology (OHMT)

Office: DHM-22

Project Officer/Date: P. T. Olson 6/14/99

Reviewer/Date: Charles W. Beckman 6/14/99

Office Director/Date: _____